

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 691.6, the Iowa Department of Public Health hereby gives Notice of Intended Action to amend Chapter 127, “County Medical Examiners,” Iowa Administrative Code.

The proposed amendments implement changes made to Iowa Code section 331.802(2)“b” in 2016 Iowa Acts, House File 2446, in regards to reimbursing county medical examiner staff for services performed. In accordance with Iowa Code section 331.802(2), if a person’s death affects the public interest, the county medical examiner is required to conduct a preliminary investigation of the cause and manner of death, prepare a written report of the findings, and submit the full report to the state medical examiner and a copy of the report to the county attorney. In accordance with Iowa Code section 331.802(2)“b,” the county medical examiner is authorized to submit an invoice to the county of appointment for the actual costs incurred. The county where the death occurred is the county of appointment. The county of appointment is permitted to seek reimbursement from the county of the decedent’s residence for costs incurred, but seeking reimbursement typically occurs after the county of appointment has paid the invoiced amount to the county medical examiner staff. The county of the decedent’s residence is required to reimburse the county of appointment.

The proposed amendments state that the county medical examiner, deputy medical examiner and medical examiner investigators shall submit a joint invoice to the county of appointment for services performed. The county of appointment can choose to pay the invoice immediately or forward the invoice to the county of the decedent’s residence for payment to the county medical examiner staff. If payment is not received by the county medical examiner staff from the county of the decedent’s residence within 60 days, the county of appointment shall pay the invoice to the county medical examiner staff.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 18, 2016. Such written comments should be directed to John Kraemer, Director of Forensic Operations, Iowa Office of the State Medical Examiner, Department of Public Health, 2250 S. Ankeny Blvd., Ankeny, Iowa 50023-9093. E-mail may be sent to john.kraemer@idph.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 331.802(2) as amended by 2016 Iowa Acts, House File 2446.

The following amendments are proposed.

ITEM 1. Amend subrule 127.4(1) as follows:

127.4(1) *Payment of fee and expenses.*

a. A medical examiner shall receive from the county of appointment or the county of the decedent’s residence a fee for each preliminary investigation and report submitted in a case in which a death affects the public interest. A county medical examiner shall also receive from the county of appointment or the county of the decedent’s residence the examiner’s actual expenses. The fee and expenses shall be submitted by the county medical examiner to the county of appointment, which may immediately pay the invoice or forward the invoice to the county of the decedent’s residence for payment to the county medical examiner. If the county medical examiner does not receive payment from the county of the decedent’s residence within 60 days of receiving the invoice, the county of appointment shall pay the invoice.

b. A pathologist or other physician who performs an autopsy under medical examiner authorization shall be paid for the services by the county of appointment.

c. Invoices produced for services performed by a county medical examiner, deputy county medical examiner or county medical examiner investigator shall be submitted as a joint invoice to the county of appointment when services were rendered in a case by multiple county medical examiner staff.

ITEM 2. Amend subrule 127.7(5) as follows:

127.7(5) Fees. Fees for the services provided by a CME-I shall be paid by the county of appointment or by the county of the decedent's residence. A CME-I shall also receive from the county of appointment or the county of the decedent's residence reimbursement for actual expenses. The fee and expenses shall be submitted by the CME-I to the county of appointment, which may immediately pay the invoice or forward the invoice to the county of the decedent's residence for payment to the CME-I. If the CME-I does not receive payment from the county of the decedent's residence within 60 days of receiving the invoice, the county of appointment shall pay the invoice.

ITEM 3. Amend subrule 127.8(4) as follows:

127.8(4) Fees. Fees for the services provided by a DCME shall be paid by the county of appointment or by the county of the decedent's residence. A DCME shall also receive from the county of appointment or the county of the decedent's residence reimbursement for actual expenses. The fee and expenses shall be submitted by the DCME to the county of appointment, which may immediately pay the invoice or forward the invoice to the county of the decedent's residence for payment to the DCME. If the DCME does not receive payment from the county of the decedent's residence within 60 days of receiving the invoice, the county of appointment shall pay the invoice.